

Running head: MASHPEE WAMPANOAG TRIBE PEACEMAKING PROJECT

Pg. 1

Mashpee Wampanoag Tribe Peacemaking Project

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### Abstract

The purpose of the Peacemaking project is to provide the Mashpee Wampanoag tribal community with a fully developed Peacemaking court, a culturally, tribal-specific, court process model, including the recruitment and training of 12 to 24 Peacemakers that meets and serves the judicial needs of the tribal community. Research done found that the problems facing the community revolve around (1) The Mashpee Wampanoag Tribe did not have the resources to develop and implement a Peacemaking court as an alternative dispute resolution option to our conventional tribal court. And, (2), the tribal community does not trust state court systems because they find the conventional courts limited in their knowledge of Indian rights, cultural values and social norms, too costly, time consuming, punishing and confusing. This absence of a cultural alternative in justice promotes continued, unresolved discord in the community. Research showed that the community wanted more information on Peacemaking and the establishment of a Peacemaking court for the people. The outcomes are to secure project funding, increase Peacemaking education, and awareness, recruit, train and certify Peacemakers from the community, develop a Peacemaking model (hearing process) and ultimately increase the spiritual health, wellness and community unity of the tribal people. The project goal is to fully develop and implement a Mashpee Wampanoag Tribal Peacemaking Court with a culturally-specific Peacemaking model to better serve the Mashpee Wampanoag people as a traditional alternative to dispute resolution with a pool of 12 to 24 Peacemakers.

*Key words:* community, Peacemaking, outcomes

## Table of Contents

|  |           |
|--|-----------|
| <b>I. Community Context.....</b>   | <b>5</b>  |
| Mashpee Wampanoag Community Profile.....   | 5         |
| Community Needs Assessment.....  | 8         |
| Target Community for the Peacemaking Project.....                                      | 11        |
| <b>II. Problem Analysis .....</b>  | <b>12</b> |
| Problem Statement.....   | 12        |
| Stakeholders.....  | 14        |
| The C, E and D in Peacemaking.....   | 18        |
| <b>III. Literature Review.....</b>   | <b>20</b> |
| Literature on Problem Causes and Effects.....  | 20        |
| Literature on Solutions.....   | 22        |
| <b>IV. Project Design/Logic Model.....</b>   | <b>25</b> |
| <b>V. Methodology and Implementation Plan.....</b>                                     | <b>30</b> |
| Project Participants .....   | 30        |
| Community Role.....  | 31        |
| Host Organization – Affiliations.....  | 31        |
| Project Roles and Staffing .....   | 32        |
| Project Implementation – Gantt chart.....  | 33        |
| The Budget.....  | 35        |
| <b>VI. Monitoring .....</b>  | <b>38</b> |
| Monitoring Indicators .....  | 38        |
| Methods, Tools and Forms .....   | 39        |
| Team Tasks .....   | 43        |
| Monitoring Schedule.....   | 43        |
| <b>VII. Evaluation.....</b>  | <b>44</b> |
| Evaluation Variables and Indicators .....  | 45        |
| Data Gathering Methods, Tools and Forms.....   | 47        |
| Data Analysis.....   | 48        |
| Evaluation Team/ Tasks/ Schedule.....  | 48        |
| <b>VIII. Sustainability .....</b>  | <b>49</b> |
| Sustainability Elements.....   | 50        |
| Sustainability Plan .....  | 51        |
| <b>IX. Results.....</b>  | <b>51</b> |
| Short-term Outcome One (STO1) – Secure funding to develop Peacemaking .....            | 52        |
| Short-term Outcome Two (STO2) – Increased awareness and knowledge of Peacemaking ..... | 53        |

|   |           |
|---|-----------|
| Short-term Outcome Three (STO3) – Educated and increased awareness for opportunities to recruit Peacemakers ..... | 54        |
| <b>X. Conclusion &amp; Recommendations.....</b>   | <b>54</b> |
| Prospects of attaining intermediate and long-term outcomes .....  | 54        |
| Personal Thoughts.....  | 56        |
| <b>XI. References .....</b>   | <b>57</b> |
| <b>XII. Appendices.....</b>   | <b>64</b> |
| Appendix A - Survey questions/graph.....  | 64-66     |
| Appendix B - Gantt chart.....   | 67-68     |
| Appendix C - Monitoring reports .....   | 69-74     |
| <b>Tables and Figures</b>   |           |
| Figure 1 – Map of the Tribe’s contract service delivery area .....  | 6         |
| Table 2 - Tribal enrollment data .....  | 7         |
| Table 3 – Stakeholder analysis .....  | 14        |
| Table 4 – Peacemaking SWOT analysis .....   | 17        |
| Table 5 - Peacemaking Project Design/Logic Model .....  | 26        |
| Table 6 - Year One Budget: Mashpee Wampanoag Tribal Peacemaking Court.....  | 36        |
| Table 7 - Year Two Budget: Mashpee Wampanoag Tribal Peacemaking Court.....  | 37        |
| Table 8 - Outputs one and two for increased knowledge of Peacemaking.....   | 39        |
| Table 9 – Units of service .....  | 40        |
| Table 10 – Project team reporting form.....   | 42        |
| Table 11 – Monitoring schedule .....  | 44        |
| Table 12 – Evaluation schedule .....  | 49        |

## **I. Community Context**

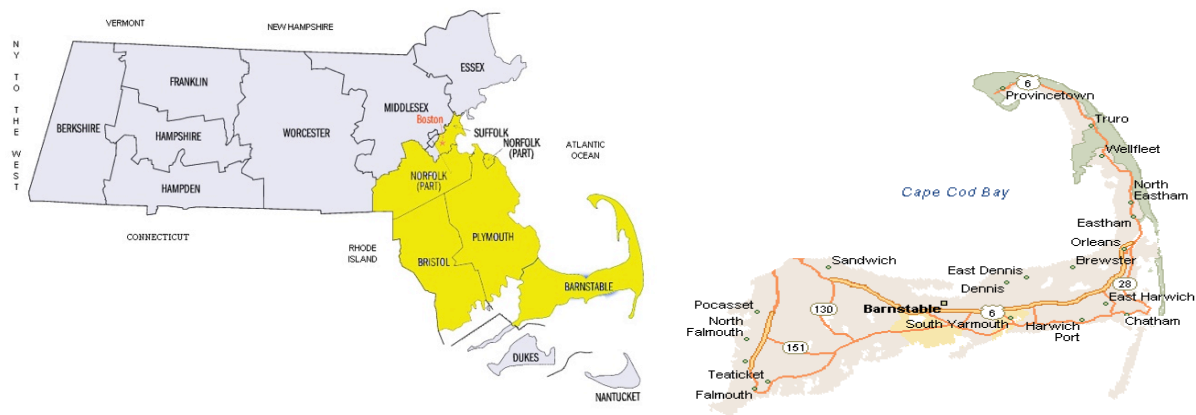
### **Mashpee Wampanoag Community Profile**

The Mashpee Wampanoag Tribe (MWT) is one of four remaining Eastern Woodland bands of the original 69 tribes within the Wampanoag Nation in the state of Massachusetts. Known as People of the First Light, the Mashpee Wampanoag Tribe's receipt of federal recognition in 2007 culminated a history as one of the first indigenous tribal nations ever to come into contact with Europeans intent on colonizing the North American continent 400 years ago (timeline link: <http://www.mashpeewampanoagtribe.com/timeline>).

Today, with total tribal enrollment at an estimated 2,780 members, the majority of the Tribe's population lives in Massachusetts, on Cape Cod, in the town of Mashpee. Today, our Contract Health Service Delivery Area (CHSDA), which is the geographic location designated in comprehensive plans that the Tribe has completed with (at minimum) the Department of Health & Human Services (DHHS), Indian Health Service (IHS), the U.S. Department of Agriculture (USDA), the Bureau of Indian Affairs (BIA), and the Department of Housing and Urban Development (HUD), is also referenced in numerous tribal proposals approved by Tribal Council ordinances and/or resolutions, and includes the state of Massachusetts, primarily, the five contiguous counties of Barnstable, Bristol, Plymouth, Suffolk and Norfolk as outlined in yellow in the following map below:

Figure 1 -

*Map of MA, highlighting the tribe's contract health service delivery areas (CHSDAs)*



The population of Cape Cod is unique in the state of Massachusetts. In addition to the more than two million people who visit this region from one day to multiple day visits during the peak vacation months of May thru October, there is a rapidly growing year-round Cape Cod population currently estimated at about 216,000 (U.S. Census Bureau, 2014). Today, the Cape Cod year-round population increases by over 300% in the summer to an estimated 700,000 (Consortium for Atlantic Regional Assessment, 2009), contributing to the ‘invisibility’ of the Mashpee Wampanoag Tribe. Cape Cod has a national reputation as a prime destination for vacationers and while this reputation is well deserved, it hides the distinct disparities experienced by Mashpee Wampanoag tribal members who are the target recipients of this community economic development Peacemaking project.

A snapshot of Mashpee Wampanoag living conditions in the MA area reveals that the tribal population is fairly young (between 18 and 54 years of age) and often unable to find housing within its own ancestral territory on Cape Cod – one of the most expensive markets in the country.

Table 2

*Mashpee Wampanoag Tribal Enrollment Membership Data as of Sept 2015*

| Age 0 - 17 | Age 18 – 54 | Age 55 - 100 | TOTAL in 5 CHSDAs |
|------------|-------------|--------------|-------------------|
| 460        | 867         | 334          | 1,661             |

Source: tribal enrollment data, 2015, link: <http://www.mashpeewampanoagtribe.com/Enrollment>

Members of the Mashpee Wampanoag Tribe suffer negative disparities in income, poverty rates and education that dwarf the hardship faced by their nearby mainstream neighbors.

- The per capita income for Mashpee Wampanoag tribal members in Massachusetts is only 60% of the state per capita income. The 2009 - 2013 median household income nationally was \$53,046., for Massachusetts residents was \$66,866. compared to the median annual household income for Mashpee Wampanoag tribal members at \$29,601. (U.S. Census Bureau, 2013).
- The percentage of Mashpee Wampanoag tribal members in poor emotional health was one and a half times higher than the adult Massachusetts' population (link: <http://www.mass.gov/eohhs/docs/dph/research-epi/native-american-health.pdf>)
- The proportion of Mashpee Wampanoag tribal members who have less than a high school education is almost twice that of the state (link: <http://www.mass.gov/eohhs/docs/dph/research-epi/native-american-health.pdf>)

In effect, while many are faced with the daunting effects and oppression of post-colonization, and forced assimilation, the Mashpee Wampanoag people remain committed to their culture, traditions and spiritual life ways.

**Community Needs Assessment**

Tribal sovereignty and survival in the United States is the inherent authority of indigenous people to govern themselves. Part of self-determination as a sovereign tribal community is the ability to govern one's people, property, and lands rather than relying on the conventional systems and courts outside of the community. According to Tribal Public Law expert, Vanessa Jiménez, "Tribal governments need to maintain an adequate measure of justice and peace among their members if they are to survive and develop as viable entities" (Jiménez, 1998, p.1628). With that in mind, and just after the Mashpee Wampanoag Tribe's federal recognition in 2007, as part of the tribe's growing self-governance, the tribe's governing body, the Tribal Council, regained some control and the resultant tribal wisdom and knowledge that was lost hundreds of years ago. Tribal leadership saw the need to develop its own Tribal Judiciary as an essential institution of tribal self-government. An Elder's Judiciary Committee (EJC) was formed with seven elder volunteers from the tribal community who were charged with the development of a preliminary legal structure in a conventional tribal court system. At that time, Mashpee Wampanoag tribal land was not in trust. Land in trust is when the federal government holds legal title to the land, but the beneficial interest remains with the tribe. Once tribal land is held in federal trust, numerous opportunities in tribal operational infrastructure and economic growth increase; however, without the trust status, the EJC developed the basic tribal court foundation that enabled the court to hear cases using the federal Rules of Civil Procedure; the basis for the U.S. standard in hearing civil matters. Consequently, while this federal or Western form of conventional court system provided a more efficient process to the day-to-day



court operations, the tribal community wanted access to Peacemaking, a traditional form of dispute resolution known for its safe, non-punishing and non-invasive style. Peacemaking has been used for thousands of years and is both, an ancient and modern day healing modality found in alternative justice. It encourages people to solve their own issues by communicating with one another in a safe, respectful manner that includes personal responsibility. For indigenous people, Peacemaking includes the use of traditional and cultural values and encourages spiritual and cultural rituals that have historically been used, and today, are still used in medicine healing circles. Since time immemorial, many Indian nations have exercised justice and maintained peace through the use of their own ancient customs. In fact, each different tribe has its' own reservoir of ancestral wisdom, stemming from the knowledge and experience of generations upon generations of ancestors. In Miriam Jorgensen's *Native Nation Building*, she discusses the importance of "tribal capitalism", an approach to development that seeks a balance between community and cultural protection and the enhancement of tribal sovereignty" (Jorgensen, 2007, p.7 & Champagne, 2004, p.323).

While this priceless indigenous wisdom and knowledge has the potential to be lost, the EJC recognized how important it was to engage the Wampanoag tribal community in the concept of Peacemaking and included tribal members as primary stakeholders and equal partners in the dialogues. The EJC involved the community by disseminating surveys, creating talking circles, focus groups, and interviews at general tribal body meetings, and included members who wanted to support and contribute to the Peacemaking planning process. After over two years of surveying the tribal body, defining the community's needs and desire for a Peacemaking Court were indisputable. Data compiled over the two years through the various forms of surveys

distributed and gathered by the EJC, identified a greater need for a Peacemaking court than was ever anticipated or imagined. Example surveys asked questions like: “Do you understand what Peacemaking is?”, “Would you prefer a more traditional setting or environment to resolve a civil dispute with another tribal member over our conventional tribal court”?, and, “should we offer a more traditional, cultural, form of judicial dispute resolution?”. Of the 1,633 surveys that were distributed, 361 surveys were returned in complete support of building a Peacemaking court for the tribal people (see Appendix A - sample survey/graph). It was evident by the poll that the tribal community’s interest in resolving disputes and conflicts between tribal members and restoring peace to the community by applying traditional methods and values was extremely important. The data also showed that just over 22% of the local tribal population residing in the tribe’s five-county service area wants access to Peacemaking as an alternative option not only to our conventional tribal court, but also to the local district court in Barnstable County. Tribal members shared their anecdotal experiences and expressed dissatisfaction with state and conventional court processes which tend to take a punitive approach to civil matters. According to Peacemaking experts, Austen Brauker and Patrick Wilson of the Little River Band of Ottawa Indians, this punitive approach often leads to high rates of recidivism whereby youth may repeat the same crime rather than healing the original problem in their hearts (Brauker & Wilson, 2011).

After assessing and evaluating the judicial needs of the Mashpee Wampanoag Tribe, it was evident that the development of a Peacemaking model and its incorporation into the dispute resolution process would be distinct and well-aligned with other traditional aspects of the Mashpee Wampanoag culture.

**Target Community for the Peacemaking Project**

The target community to be served by this project is the estimated 2,780 Mashpee Wampanoag tribal members; an estimated 1800 of whom reside in the state of Massachusetts, and many in the five-county service area. Currently, in addressing every day legal issues, like; family disputes, employment issues, petty theft and violence, there have been over 60 cases in the conventional tribal court since its beginnings in 2007 and constitutionally formalized by tribal ordinance in 2008 (link: [http://www.mwtribejudicial.com/judicial\\_ordinance](http://www.mwtribejudicial.com/judicial_ordinance)). However, many tribal members who have used state and district judicial systems find them confusing, punitive and biased. In fact, Princeton and Cornell University scholars, Theodore Eisenberg and Henry Farber, stated that multiple studies found that federal, state and district trial courts were less successful on appeals due to biases in favor of plaintiffs (Eisenberg & Farber, 2011). It is in this sentiment that underscores the uneven administration found in federal and state judicial authority that questions the effectiveness and fairness of their justice systems. In *State Courts: Enabling Access*, John Lippman, Chief Judge of the State of New York and Chief Judge of the Court of Appeals, addresses the issues of unfulfilled justice with low-income people and the lack of access to available legal services in state courts. He looks at the enormity of the unmet need in New York and around the country and discusses the measures he has taken in his role as head of the New York State court system to address the crisis (Lippman, 2014).

In the town of Mashpee, although the Wampanoag represent 11% of the total population, statistics from the Mashpee Police Department indicate that 27% of crimes committed are by tribal members (MPD, 2014). The most prevalent of those crimes are drug related... either drug

sales or drug usage. In fact, heroin usage in the community and throughout Cape Cod is a widespread epidemic and ravages the community with drug overdoses (Sotnik, 2014).

Of course, with the increase in drugs, comes an increase in crimes like theft, larceny, property destruction, and more. Finally, like many tribal communities, domestic violence is also pervasive within the community, but because of the cultural and social stigma associated with it, it often goes unreported (Graef, 2014).

Wampanoag tribal members who utilize the conventional tribal court understand that it is a critical component of the tribal government, however, they still consider it punitive in its approach, confusing in its process, needlessly delayed, and often unsuitable for the native population.

## **II. Problem Analysis**

A problem analysis is fundamental to the understanding of the community's problems and needs, and how a proposed project plan will affect the problem condition and ultimately benefit the community. Problem analysis techniques are used to examine all of the variables that can promote, inhibit or prevent a community project from achieving its goals.

### **Problem Statement**

The Mashpee Wampanoag Tribe did not have the resources to offer a Peacemaking court as an alternative dispute resolution option for tribal members who are frustrated and fearful of conventional court practices, and are in need of a cultural, harmonious, less-invasive judicial system. As a result of the Tribe's frustration, "the community has been suffering from a form of

cultural crisis that has manifested as part of a social breakdown within the community” (EJC Chair quote, V. Bussiere, 2012). As witnessed in the surveys, the lack of access to Peacemaking has created an atmosphere of uncertainty among tribal members who have stated their desire for a traditional Peacemaking court. Tribal members are reticent to use the more conventional tribal court system which includes punitive measures and remedies for civil cases. Rather, as a first choice, the community seeks the culturally appropriate, peaceful, restorative justice approach found in Peacemaking... a process that is almost fully developed.

Without Peacemaking, the community feels a sense of anger and frustration because many of the current tribal court cases are continued endlessly, lengthening the time cases are heard, and adds to the growing confusion and mistrust of the conventional system. Tribal governments exercise power that has been diminishing over time by acts of the federal government, and, since the late 1970s, the U.S. Supreme Court has been an active participant in placing limits on tribal sovereign power (Robertson, 2001). With that said, Peacemaking models in Indigenous communities show proof that as tribal control is regained and exercised over land, law and community, the health and social and economic well-being of tribal people dramatically and consistently improves (Jiménez, V. & Song, S.C., 1998).

A Mashpee Wampanoag Peacemaking approach will serve the tribe’s judicial and traditional needs by connecting people, families and employees outside of conventional court systems; exemplifying and strengthening family and community bonds. At its core, Peacemaking as a traditional option to dispute resolution, attempts to find the cause of the imbalance between tribal members and helps the participants determine how and why they need to regain equilibrium (Brauker & Wilson, 2011). By responding to the needs of the tribal people, the Peacemaking

project will provide the necessary alternative, cultural resolutions in justice to end conflict and restore a cultural sacredness and sense of community by healing the mind, body and spirit in a healthy, peaceful and harmonious way. Securing a sound Peacemaking court infrastructure will allow the main tribal court to still function, handle civil disputes within its jurisdiction, in addition to using culturally appropriate codes, and, very importantly, offering Peacemaking as an alternative to dispute resolution; an option for which the general tribal body has been asking.

### **Stakeholders**

Securing key stakeholders of the project identified the value of their roles. In the case of the Peacemaking project development, the analysis proved beneficial in numerous ways. Everyone associated with the Peacemaking project has direct involvement with the success of its development and implementation. In aggregate, the strategic team's expertise will provide valuable insight into building the Peacemaking model and its overall cultural and professional integrity in representing Mashpee Wampanoag Peacemaking for the tribal community. The importance of the composition of this group is that their interests are varied and cover a host of important traditional, cultural and tribal values: from historic, cultural and spiritual wisdom, to Wôpanâak language, to tribal judicial competencies, development expertise, and very importantly, to the valuable, everyday views of the tribal members. The Stakeholder analysis is as follows:

Table 3 –

#### *Stakeholder Analysis*

| <b>Team Member Name</b> | <b>Affiliation and/or Relationship to Planned Project</b>   |
|-------------------------|---|
| * Vivian Bussiere       | Elder's Judiciary Committee Chairperson, Tribal Court Director and Peacemaker Court Project Director – Leader in researching, |

|   |   |
|---|---|
|   | assessing, evaluating, designing, and directing the implementation of the Peacemaking project. Vivian is also the grant mgr. of the DHHS, ANA grant that is the main funding for the project.   |
| * 6 EJC members: Vice-chair, Secretary, Treasurer                     | Elders Judiciary Committee members; Vice-chair, Secretary, Treasurer and 3 members. This group supports the EJC Chair, project director, in all of the different phases of activities that build the Peacemaking model for the Tribe.   |
| * Michele Forrester   | As Court Clerk, Michele assists in building the strategic team for the development of the cultural Peacemaking model.   |
| * Mashpee Wampanoag Cultural Advisory Leader, Medicine Man, Earl Cash | A member of our spiritual and cultural branch of leadership, the medicine man guides the cultural components of the Peacemaking model.  |
| * 6 Clan Mothers  | The Tribe is matrilineal which means families or “Clans” pick a female elder leader to represent the family on all tribal matters. The Tribe has many clans symbolized by animals from the 3 earth elements of: land, water and air. The team has picked Clan Mother elders from the Turtle, Hawk, Otter, Deer, Bear, and Eel clans to help build the cultural model. Clan mothers carry ancestral cultural wisdom that is passed down for generations. |
| * Mashpee Wampanoag Tribal Chief                                      | The Sachem or Chief is the cultural leader of the Tribe.  |
| * The Chief’s Council   | The Chief’s Council is made up of six elders and the medicine man who are well respected in the community and can support the Chief in the demands of his role as the leader. Many times he is called upon to attend ceremony, speak, vote, and help solve problems. His Council supports him in his many tasks.  |

|   |   |
|---|---|
| Wôpanâak Language Director, Jennifer Weston   | Jen is the Charter School Developer for the Wôpanâak Language Reclamation Project for the Tribe. A Hunkpapa Lakota from the Standing Rock Sioux Reservation in the Dakotas, she has served her tribal govt. as an environmental outreach coordinator, and grant writer. The language component is vital to the model as it allows the community to restore aspects of cultural understanding and traditional values that were previously inaccessible prior to the reclamation of the language. |
| Boston’s Suffolk University Law School, Indian Law and Indigenous Peoples Clinic, Practitioner-in-Residence, Nicole Friederichs | The Tribe’s relationship with this Law Clinic dates back to 2010 in the development of the initial tribal court infrastructure and federal rules of civil procedure. Nicole assists the Tribe in many judiciary matters; developing tribal court codes that impact cases in Indian Child Welfare, and varying civil matters. Nicole assists us in the development of the Peacemaker’s Court.  |
| Chief Justice and Peacemaker of the Chicasaw Nation,  | Aside from being a Chief Justice and Special Judge, Barbara has been a facilitator for the Native American Rights Fund  |

|   |  |
|---|--|
| Barbara Smith   | Chautauqua Peacemaking Project and is on the Advisory Committee for their current Peacemaking Project. Barbara provides endless wisdom to our Peacemaking trainings and cultural model.    |
| The Little River Band of Ottawa Indians, Michigan                       | Experienced Peacemakers and tribal members, Patrick Wilson and Austen Brauker, work closely with our Peacemaking Model Team to assist and guide in the development of the cultural model.  |
| * Members of the Wampanoag Community (6 - 12)                           | Community members can relay every day traditional cultural values that are important to community. The view is from the community perspective.   |
| * Leslie Jonas, Sr. Development Specialist and Grant Manager Consultant | Leslie secured the federal funding and has assisted in the research, design and development of the Peacemaking project.  |
| * Mashpee Wampanoag Chief Judge Robert Mills                            | The Chief Judge provides judicial competencies necessary in leveraging his tribal court experience in current tribal court matters that may have been better suited for Peacemaking court. |

***\*Tribal Member***

The SWOT analysis is a critical tool in identifying where the project stands, both in its strengths and weaknesses. However, what makes it particularly powerful is that it can help uncover opportunities, manage threats, assess trends, and evaluate one's position in order to best modify the framework to maximize benefits. These two important categories help the project team to identify the status and any necessary changes; strategically and logistically, that may need to be made to strengthen the program. In reviewing the SWOT for the Peacemaking project, the strengths are many. Proven research of value in Peacemaking created by other tribal nations who are experts in the practice; the Navajo, the Chicasaw and the Little River Band of Ottawa Indian nations, underscore its main strength of proven success. Project funding is secured through federal grant revenue under the DHHS, ANA, and its sustainability is guaranteed by key stakeholders, the governing body of the Tribal Council. Some threats identified in scheduling challenges when important experts are contracted from remote places



require added layers of attention, sensitivity to other's schedules and appropriate time management. No one is taken for granted and all stakeholder's schedules will be treated equally important. Additionally, should not enough eligible Peacemaker candidates come forward for training, the project team will engage aggressive outreach in seeking and attaining additional, choice Peacemaker candidates.

In the case of the Peacemaking project, the following SWOT analysis identifies its viability:

Table 4 –

*Peacemaking SWOT Analysis*

| CRITERIA EXAMPLES  | <b><u>STRENGTHS</u></b>  | <b><u>WEAKNESSES</u></b>   | CRITERIA EXAMPLES  |
|--|--|--|--|
| Advantages of current programs?<br>Capabilities?<br>Competitive advantages?<br>Resources, Assets, People?<br>Experience, knowledge, data?<br>Financial reserves, likely returns?<br>Marketing - reach, distribution, awareness?<br>Innovative aspects?<br>Location and geographical?<br>Accreditations, qualifications, certifications?<br>Cultural, attitudinal, behavioral?<br>Management cover, succession?<br>Philosophy and values? | <ul style="list-style-type: none"> <li>Numerous related stories on successful Peacemaking in other Indian nations</li> <li>Proven Research</li> <li>Tribal Community need defined based on 2 years of research</li> <li>Secured Peacemaking Team in place</li> <li>Outreach and info presentations to community on benefits of Peacemaking</li> <li>Project funding secured</li> <li>Sustainability of project by stakeholders in tribal government; the Tribal Council and other grant funding opportunities</li> <li>Promotion of harmony</li> <li>Cultural cohesion and preservation</li> <li>Restorative wholeness of Community</li> </ul> | <ul style="list-style-type: none"> <li>Schedule conflicts and challenges in meeting deadlines may throw project end dates off</li> </ul> | Disadvantages of programs?<br>Gaps in capabilities?<br>Lack of competitive strength?<br>Reputation, presence and reach?<br>Financials?<br>Timescales, deadlines and pressures?<br>Cash flow, start-up cash-drain?<br>Continuity, sustainability?<br>Effects on core activities, distraction?<br>Reliability of data, plan predictability?<br>Morale, commitment, leadership?<br>Accreditations, etc?<br>Processes and systems, etc?<br>Management cover, succession? |

| CRITERIA EXAMPLES  | <u><b>OPPORTUNITIES</b></u>   | <u><b>THREATS</b></u>  | CRITERIA EXAMPLES  |
|--|---|--|--|
| Funding trends?<br>Market developments?<br>Competitors' vulnerabilities?<br>Industry or lifestyle trends?<br>Technology development and innovation?<br>Global influences?<br>Emerging / new community needs?<br>Geographical?<br>New project/program development?<br>Information and research?<br>Partnerships, strategic alliances? | <ul style="list-style-type: none"> <li>• Reduction and healing of community discord</li> <li>• Less costly than western or federal court systems</li> <li>• Less time wasted in typical court continuations</li> <li>• Reduction in fears and frustration of western systems, less punishing</li> <li>• Cultural cohesion and preservation</li> <li>• Restorative wholeness of Community</li> </ul> | <ul style="list-style-type: none"> <li>• Not enough trained Peacemakers</li> <li>• Delayed or canceled meetings due to out of town and state experts involved</li> <li>• Tribal members may not use the Peacemakers court as often as they maybe should</li> </ul> | Political effects?<br>Legislative effects?<br>Environmental effects?<br>Competitor intentions - various?<br>Market demand?<br>New technologies, services, ideas?<br>Vital contracts and partners?<br>Sustaining internal capabilities?<br>Obstacles faced?<br>Insurmountable weaknesses?<br>Loss of key staff?<br>Sustainable financial backing?<br>Economy - home, abroad?<br>Seasonality, weather effects? |

### **The C, E and D in Peacemaking**

Community economic development engages community members and key stakeholders on an issue or condition that needs to be addressed in order to change the condition. The long-term goal of creating impact through positive change for an individual, a community, an organization or a geographic area must include the C, E and D in community economic development.

The purpose of this project is to increase tribal spiritual health and wellness and increase community unity by developing and offering a Peacemaking court to the community. What makes the Peacemaking project consistent with the 'C' elements of CED are convincing. Firstly, the tribal community shares space and lives and works in the same state, county, towns, and neighborhoods. Secondly, the community shares identity as indigenous people, who share the same blood, traditions, language, culture, land, food and water. And thirdly, shares the same interests: lifestyles, habits, activities, values, beliefs, traditions, ceremonies, spiritual alignment, similar problems, same lack of resources,

and, in addition, the same abundance of spiritual access to our tribal medicine leaders.

The element of “E” that resonates here is the notion that the condition that needs to be changed has an economic element to it. The project goal is to better serve the cultural judicial needs of the tribal community by developing and implementing a culturally appropriate Peacemaker’s court model. In theory, after the implementation of a number of Peacemaker program activities, the developed Peacemaker’s court infrastructure will provide the court personnel and the tribal body access to alternative dispute resolution in all civil matters, that is accessible and affordable, as it includes no fees to the tribal member.

The project meets the elements that make up “D” in CED, by reaching out to the community in many different ways through various mediums of communication to raise and increase Peacemaking awareness and education. Advocacy is witnessed in the year-long communications campaign made up of: a Peacemaker’s court website, social media, informational flyers, Peacemaking guidebooks, a Facebook page, public presentations made at our monthly Sunday meetings and guest appearances by expert collaborating Peacemaker court consultants. The availability of resources is very important and while it is recognized that successful projects are those that utilize both existing and new resources, the Project Director has identified resources both inside and outside of the organization; collaborating partners and initiatives, local agencies, and experts, and revenue from federal grants and agreements; Dept. of Justice, Office of Justice Services for Indian Tribes and ANA funds, including the staff, EJC, and pro bono attorneys provided by Suffolk Law University.

### **III. Literature Review**

#### **Literature on Problem Causes and Effects**

The Peacemaking literature review of the sources researched in an interest to learn about similar projects that resemble the Tribe's Peacemaking project for the Mashpee Wampanoag are relevant, distinct, impressive and have been in existence for some time. Comparable literature reviews chosen help to reflect the context of tribal and social issues regarding problem causes and effects in the Mashpee Wampanoag community, which can be exacerbated or remain unresolved as a result of the Tribe not offering an alternative dispute resolution court system option for tribal members. Many of the project references examined the Peacemaking philosophy, its history, the overall need, success stories, outcomes witnessed by other tribes, and long-term sustainability.

It goes without saying that in our world, conflict is by far, one of the biggest issues we face. It is also agreed that we have other local, statewide, national, and global challenges. Famine, hunger, poverty, disease and homelessness are global issues; however, the unresolved problems that come with conflict and war in our everyday world has permanent, life-long, negative, effects. In many cases, many of the disparities found in certain communities, tribes and nations are a direct result of discord, opposition, conflict and war. How we treat one another is directly linked to how we feel about ourselves and our communities.

Like the Mashpee Wampanoag, communities that rely heavily on cultural tradition in the preservation of life ways, history and a way of believing and living, thrive when there is a sense

of trust, and commitment to restorative processes in justice. It is without doubt that post-colonialism oppression contributes to the invisibility of native cultures where centuries of distress, historical trauma and forced assimilation plague indigenous nations and have contributed to higher rates of domestic violence, substance abuse, alcoholism and suicide today (Wesley-Esquimaux & Smolewski, 2004). According to Aboriginal Healing Foundation Research writers, and cultural anthropologists, C. Wesley-Esquimaux and C. Smolewski, “Unresolved historic trauma will continue to impact individuals, families and communities until the trauma has been addressed mentally, emotionally, physically and spiritually” (Wesley-Esquimaux & Smolewski, 2004, p.32). Research completed by the Aboriginal Healing Foundation has already demonstrated that as abused children grow up in their communities, “they learn specific behaviours and build defense mechanisms to protect themselves. These behaviours and defense mechanisms can be seen as healthy and dysfunctional at the same time” (Wesley-Esquimaux & Smolewski, 2004, p.3).

The Director of the Bureau of Justice Statistics in 2004 cited that between 1992 and 2002, American Indians experienced violence at a rate of 101 violent crimes per 1,000 American Indians; more than twice the rate for the nation at 41 per 1,000 (Perry, 2004), and, more than any other racial group. In the words of Health Status of Minorities Policy researcher, C. Simpson, “American Indians are more likely than people of other races to experience violence at the hands of someone from a different race, and the criminal victimizer is more likely to have consumed alcohol preceding the offense” (Simpson on Greenfeld, 2004, p.iii).

Today, studies continue to suggest that crime rates are much higher for Native Americans compared with the national average (National Institute of Justice, 2013). This disturbing reality

of “historical trauma passed on to successive generations as a collective contagion, manifesting itself in a variety of social problems that Aboriginal people face across the continent, continues today” (Wesley-Esquimaux & Smolewski, 2004, p.5).

Current data documented on tribal crime rates for American Indians underscores the need for change. We are the invisible minority as many still think of us in a romantic and dramatized fashion from storybook pictures of Thanksgiving fables from yesterday (Keshena, 2011).

The data glaringly points to the need for help. Positive changes are necessary in the quest to better serve the future of health and wellness for the American Indian. When cultural, holistic approaches of recovery and resolutions are applied, a spiritual healing that restores and revives healthy native communities comes forward and tribal members begin to make healthier life choices. C. Wesley-Esquimaux and C. Smolewski assert that “Effective healing is about maintaining a balance between the four dimensions; physical, mental, emotional and spiritual and focuses on the inter-connectedness between family, community, culture and nature” (Wesley-Esquimaux & Smolewski, 2004, p.8).

### **Literature on Solutions**

Two important literature reviews of similar Peacemaking projects are from two other tribal nations; the first is from the honorable Robert Yazzie, Chief Justice Emeritus of the Navajo Nation Courts. One distinct quality found in the Peacemaking philosophy is that Peacemaking process brings people together in a more harmonious, and healing way. Robert Yazzie has been a judge all of his adult life and has handled many kinds of tribal court cases as a Chief Judge. He has shared many opinions, but his main focus and emphasis has been on Peacemaking for his nation; a form of dispute resolution that has served them successfully. It has been his belief that

Western influence and systems have always been based on a system of punishment. In the Diné (Navajo) culture, the focus is on the individual, not the crime (Mirsky & Yazzie, 2004).

According to Judge Yazzie, “It’s not within anyone’s authority to change a human being. One should be respected, .....and not what they did” (Mirsky & Yazzie, 2004, p.2).

The Peacemaking process helps the guilty party realize what he/she has done incorrectly. This process brings the parties together to talk to one another and get to the bottom of the problem. There are rules and processes that are fair and custom to cultures, as in the use of talking sticks or feathers which gives the person talking the right to speak. The other party is not allowed to share while the person with the talking item is speaking. The Peacemakers or jurists are typically elders. In Indian Country, elders hold wisdom and are less likely to judge without hearing all sides. The American Indian elder age is younger, at age 55+ than that of a non-native American in the U.S. at ages 65 or 67, as American Indians have higher death rates at younger ages from accidents and disease, which is explained by a general lack of healthcare (Simpson, 1991, p.11).

The notion of re-integrating and bringing people together in a community holds far more long-term benefits to the health and wellness of a community than many would believe. Peacemaking offers the opportunity to bring people together; not divide them. Throughout history, Native Americans have adhered to a peace tradition in the face of violent conquest and upheaval. In fact, each and every different tribe has its own reservoir of ancestral wisdom, stemming from the knowledge and experience of generations upon generations of ancestors. For the Mashpee Wampanoag, this potential loss of Native American wisdom results from the loss of tribal judicial control, and, if not recovered, could lead to the loss of a vital component of their

culture. The Peacemaking approach serves the Wampanoag tribe's traditional needs by connecting families outside of conventional court systems. As a result, Peacemaking concepts exemplify and strengthen family and community bonds. In efforts to gain success in the development of the Mashpee Wampanoag Peacemaking court, implementation is heavily supported by Peacemaker trainings with the Little River Band of Ottawa Indians from Michigan based on their own success in the development of traditional dispute resolution methodologies for their own community. The Little River Band of Ottawa Indians found themselves in need of an alternative dispute resolution process and developed their Peacemaking court in early 2000. Their vision was to provide a traditional conflict resolution process for families, children, and tribal employees. Brought on from the growing discord in the community, Little River Band of Ottawa Indians tribal court leaders, Austen Brauker and Patrick Wilson, developed their own Peacemaking model. Their process included applying traditional values to alternative dispute resolution that promotes the resolution of a problem and the healing between the parties. The Ottawa Peacemaking philosophy setting is much different than that of state court proceedings. Anishinaabek tribes have traditionally dealt with the wrong-doings of their own people without the imposition of modern court systems. Unlike the state court system which is divisive by nature and includes a judge and a jury who make the decisions, Peacemaking encourages people to solve their own civil dispute/complaints and problems (Brauker & Wilson, 2007).

As witnessed in the Little River Band of Ottawa Indians Nation, and the Diné Navajo cultures, it is through alternative dispute resolution and restorative justice found in the practices of Peacemaking that will also bring harmony back to the Mashpee Wampanoag community.



#### **IV. Project Design/Logic Model**

The Peacemaking Project Logic Model is rooted in a theory of change and is a relatively straight-forward blueprint that reflects how and why the Peacemaking program will work for the tribe. Through a series of stakeholder team meetings, the team gained consensus on the values and beliefs that would bring about positive change for the tribe.

The main goal of the development of the Peacemaking project is to offer Peacemaking as an alternative dispute resolution option to the conventional court system and allow people to take responsibility, and be accountable to one another in a peaceful, safe, and respectful manner. Through the Peacemaking process, the community will recognize the connectedness of things and people, while restoring and building community unity. Ultimately, through the successful implementation of the Peacemaking project, the spiritual health and wellness of the Mashpee Wampanoag tribal community will be strengthened.

Short, intermediate and long-term outcomes are critical to the success of the project because they include the development of the Peacemaking model, which will be the process by which the Peacemaking court operates, how cases are heard, and the process of the recruitment and training of Peacemakers; the truth seekers who hear and judge the cases.

The following Peacemaking Project Logic Model is an actionable plan with identifiable outcomes:

Table 5 –

*Peacemaking Project Design/Logic Model***PROBLEM ANALYSIS**

|   |  |   |   |
|---|--|---|---|
| <b>Effect</b>                               | The Mashpee Wampanoag Tribal community members don't want to use state court systems because they find the conventional court systems too costly and time consuming. Tribal community members also find conventional courts confusing and inappropriate for natives because they can be limited in their knowledge of Indian rights, cultural values and social norms. Tribal members do not trust conventional systems to meet their judicial needs. The absence of a cultural alternative in justice promotes unresolved discord in the community. |   |   |
| <b>Problem Statement</b>                    | The Mashpee Wampanoag Tribe does not offer a Peacemaking Court as an alternative dispute resolution option for tribal members who are frustrated and fearful of conventional court practices and are in need of a cultural, harmonious, less-invasive judicial system.   |   |   |
| <b>Causes</b><br>(note: can be more than 3) | Initially, a lack of funding was the main cause of the absence of a Peacemaking Court for the tribal community. Absence of Peacemaking contributes to cultural loss in community, lack of trust in a conventional court system.  | Community feels a sense of uncertainty having to use a western court system (conventional) for dispute resolution and other judicial needs. | Conventional Court systems are punishing and rigid by design.<br><br>Many conventional court cases are costly, lengthy and continued needlessly contributing to the tribal community frustration. |

## LOGIC MODEL (Outcomes)

|  |   |   |   |
|--|---|---|---|
| <b>Long-term Outcome</b>                                 | <p>By offering Peacemaking as an alternative dispute resolution option to the conventional court system and by allowing people to take responsibility, and be accountable to one another through Peacemaking, we'll recognize the connectedness of things and people, while restoring and building community unity. Through the successful implementation of the Peacemaking project, the spiritual health and wellness of the Mashpee Wampanoag tribal community will be strengthened.</p> |   |   |
| <b>Intermediate Outcome</b>                              | <p>A Peacemaker model (the hearing process) will be developed by the team of stakeholders.</p> <p>Peacemakers (truth seekers or jurists) will be recruited and trained.</p>   |   |   |
| <b>Short-term Outcomes</b><br>(note: can be more than 3) | Secure funding to design, produce and implement the Peacemaking project.  | Increase the tribal body's awareness and knowledge of the concept of Peacemaking. | Educate, and increase opportunities for recruitment and training of tribal Peacemakers (jurists). |

## LOGIC MODEL (Outputs & Activities)

|  |  |  |  |
|--|--|--|--|
| <b>Short-term Outcomes</b><br>(copied from previous slide) | Secure funding to design, produce and implement the Peacemaking project.   | Increased the tribal body's awareness and knowledge of the concept of Peacemaking.   | Educated, and increased opportunities for recruitment of tribal Peacemakers (jurists).   |
| <b>Outputs</b>   | The Mashpee Wampanoag Tribe was awarded \$200K in federal funding through a grant made possible by the Dept. of Health and Human Services, Administration for Native Americans (DHHS, ANA) for the development of a Peacemaking model and Peacemaking Court for the Tribe. | Of the 1,633 surveys disseminated to tribal homes, and over 2000 emails, 361 positive responses or 22% of the responding tribal body was supportive of and wanted Peacemaking as an alternative to conventional court for dispute resolution. An additional 20% of the surveyed were interested and wanted more information. | The Project administrative team mails 2750 info flyers, guidebooks, notices in monthly newsletters to enrolled tribal member homes. An estimated 3000 e-blasts will be made to 2750 tribal members and other members living in their households. |
| <b>Activities</b>  | <b>RESEARCH FUNDING</b><br>Research and identify private and federal grant opportunities to fund the Peacemaking project. Apply to grants where eligibility and funding is most promising.   | <b>SURVEY AND EDUCATE THE COMMUNITY</b><br>Engage 2 years of surveying the tribal community through e-mail blasts utilizing the tool, "Survey Monkey", hardcopy surveys sent to tribal homes, focus groups (talking circles), Sunday mtg. presentations and one-on-one interviews.   | <b>EDUCATE COMMUNITY</b><br>Produce Peacemaker educational informational materials; brochures, flyers articles in the monthly tribal newsletter, e-blasts, and other forms of communications outreach.   |

### LOGIC MODEL (Indicators)

| Outcomes   | Indicators   | Data Gathering Technique(s)  | Data Source(s)<br>(asterisk if source currently available)  |
|--|--|--|---|
| <b>STO 1: Project Funding</b>                                  | <p><b>Input: Staff:</b> Project Director and Sr. Development Strategist review and qualify need - Notice of Funding Availability (NOFA).</p> <p><b>Output:</b> Project Director and Sr. Development Strategist produce grant application/ proposal and submit to DHHS, ANA.</p> <p><b>Impact:</b> \$170K in funding awarded to Tribe to develop Peacemaking project.</p> | <p>Project Director and Sr. Development Strategist research and find the NOFA - On-line notice sent to the Tribe by DHHS, ANA.</p> <p>Development team researches and seeks revenue and grant opportunities.</p> <p>Proposal content meetings with Elders Judiciary Committee (EJC) on eligibility, project idea, and Peacemaking opportunity.</p> | * DHHS, ANA, Mashpee Wampanoag Tribal Elders Judiciary Committee (EJC)  |
| <b>STO 2: Increased awareness and knowledge of Peacemaking</b> | 25% of community responded positively Comm. research done for over 2 years. Information attained on Community need, knowledge, and desire for more knowledge and development of a Peacemaking model.   | <b>Research data methods –</b><br>Surveys through Survey Monkey, e-blasts, monthly hard copy surveys, Sunday monthly tribal body meetings, focus groups, one-on-one interviews.  | * Mashpee Wampanoag Tribal Elders Judiciary Committee (EJC), Mashpee Wampanoag Tribal Court, Mashpee Wampanoag Tribal members |
| <b>STO 3: Education and Information</b>                        | Successful production of Peacemaking information, and communication collateral; flyers, website, guidebooks, FB page   | e-blasts, Informational brochures, monthly newsletters and flyers, Sunday monthly tribal body meetings, focus groups, one-on-one interviews.   | * Mashpee Wampanoag Tribal Elders Judiciary Committee (EJC), Mashpee Wampanoag Tribal Court                                   |

## **V. Methodology and Implementation Plan**

### **Project Participants**

Successful community economic development (CED) happens with well researched, strategic planning. The importance of the human resources component is invaluable to the success of the Peacemaking project. Identifying appropriate team players secures the roadmap for all activities and outcomes. This important measure can impact how well the project flows, whether or not activities, benchmarks and deadlines are met, and most importantly, whether or not success from the overall project is achieved. In the case of the development of the Peacemaking court for the Mashpee Wampanoag Tribe, a well thought out plan in the design of the Peacemaking model was put into place by the project participants; the stakeholder team. The estimated 25 participants of the Peacemaking project are made up of many tribal members from various professional backgrounds. The reason for this varied approach is that each different role carries a different experience, value, expertise and wisdom. Many of the talent pool's affiliations are quite effective in the overall big picture of the project as well as they do not only contribute to one piece of the project, but instead, add to the overall project's success. The project participants are also the key stakeholders or project staff: tribal elders, spiritual leaders, judiciary experts from the tribal court, Wampanoag language experts for the cultural component, and community tribal members who provide the everyday life experiences of a Wampanoag living on Cape Cod.

**Community Role**

The Mashpee Wampanoag community's role played a large part in the decision to survey, measure, evaluate, assess, budget, design and implement a Peacemaking court for the tribe. The EJC recognized how important it was to engage the tribal community in the concept of Peacemaking and engaged members as equal partners in all of the discussions. The dedicated tribal members from the community who will be recruited to represent the overall interest of the enrolled tribal body, will provide first-hand knowledge of the daily issues they face, and the barriers they've had to address as a result. Examples of day-to-day, community issues include, but are not limited to: neighborly, family and work related disputes, petty theft, assault or threats that can plague and have disrupted the community. The tribal community role defines the need for Peacemaking as they are the target recipients of the Peacemaking project.

**Host Organization – Affiliations**

The Host organization is the Mashpee Wampanoag Tribe where the Peacemaking court will reside at the headquarters in Mashpee, MA. The tribe has three branches of government; both conventional and spiritual: Legislative, Judicial and Spiritual. The Legislative branch is the governing body of the Tribe, the Tribal Council; four Board Officers and five Council members voted in by the tribal community. The Judicial branch is the current tribal court, and the Spiritual leadership or branch is headed up by the Chief, Medicine Man and Clan Mothers; all who represent the cultural and spiritual traditions of the tribe.

The Tribal Council (legislative) and the Tribal Judicial System are separate, but equal branches of the Tribal government. The Tribal Council oversees and manages all of the tribal departments which are governed by the laws of the Mashpee Wampanoag Tribal Constitution through ordinances and resolutions. Regarding fiscal oversight of the project, the tribe's Finance department along with the Peacemaking Project Director, manage the project budget as the project has been funded with federal funds granted by the DHHS, ANA. Another affiliated group is Suffolk Law University in Boston with whom we have had a judicial relationship dating back to 2010 when we started the development of the infrastructure and federal rules of civil procedure for a conventional court system.

Nicole Friederichs, Practitioner in Residence from Suffolk Law's Indigenous Peoples Clinic in Boston, supports the tribe in many judiciary matters; developing tribal court codes that impact cases in varying civil matters. In addition, two outside tribes, the Chicasaw Nation and the Little River Band of Ottawa Indians have been secured to train on best practices as they have successfully practiced Peacemaking for their respective nations for many years.

My role in the project is clearly defined as the Development Strategist. I secured the funding for the project and assist in the bigger picture tasks i.e. the project timeline, development of the Peacemaking project budget, trainings, and provide support in the overall production of the project.

### **Project Roles and Staffing**

All of the following participants play an invaluable role in the development and execution of the Peacemaking model and court for the Tribe:

Key Stakeholder, Project Director, Vivian Bussiere, is the Elder's Judiciary Committee (EJC)



Chairperson. She is also the current Tribal Court Director and leads in researching, assessing, evaluating, designing, and directing the implementation of the Peacemaker Court. In addition, Vivian is the grant manager of the Dept. of Health and Human Services (DHHS), Administration for Native Americans (ANA) federal program fund that is the primary revenue for the project. She has the support of six EJC volunteers and an Administrative Assistant. In the design of the cultural Peacemaking model, cultural advisory leader, Medicine Man, Earl “Soaring Eagle” Cash, Tribal Chief, Vernon “Silent Drum” Lopez, and six Clan Mothers, provide ancestral wisdom and guidance, and teach on the use of the cultural ceremonial components. Judicial experts, Wampanoag Chief Judge, Robert Mills, and Boston Suffolk Indian Law and Indigenous Peoples Clinic, Practitioner in Residence, Nicole Friederichs, provide education and judicial best practice, while Chief Justice and Peacemaker of the Chicasaw Nation, Barbara Smith, and the Little River Band of Ottawa Indians, Austen Brauker and Patrick Wilson, provide Peacemaking wisdom and best practice from their years of leading in successful Peacemaking theory, practice and processes for their respective nations. The language component is vital to the Wampanoag model as it supports and restores aspects of tribal cultural understanding and traditional values.

### **Project Implementation – Gantt chart**

The project plan dictates that post-award of the DHHS, ANA grant funding, the Project Director announces the kick-off of the project thru the tribal court website and tribal newsletter, the Naushauonk Mittark. The plan approach provides an integrated, seamless flow of communication between all of the project team members and a sound relationship with the DHHS, ANA grant funders throughout the entire project period. A quick snapshot of the project

scope reveals that after a series of team planning meetings, the tribal communications collateral serves to educate and inform the tribal community of the imminent Peacemaking court development project. In conjunction with the production of the communications collateral to the tribal community will be the planning and development of the Peacemaking process. This includes the design of the Peacemaking model, the guidebooks, Peacemaker education, recruitment, training, and all necessary administrative forms for hearings. Once the communications piece is fully implemented, Suffolk Law consultant, Nicole Friederichs, continues building the guidebooks, and Chickasaw Nation Chief Judge and Peacemaker, Barbara Smith, builds a four to five day Peacemaker training session to take place in Mashpee. By end of year one of the project period, the team begins the Peacemaker recruitment process. The Peacemaker pool is narrowed down to a pool of select individuals who would be considered strong Peacemaker candidates based on their ability to be ethical, fair, respectful, empathetic, non-judgmental and good listeners. Once this candidate pool is selected, the project team begins the process of interviewing Peacemaker candidates to determine the best fit for this important role. Finally, throughout the two year grant period, the Project Director reports quarterly to ANA on the progress of the project (See Appendix B - Gantt chart).

As witnessed in the SWOT analysis beginning on page 17, while the team does not anticipate any issues with project implementation, if for any reason the Chickasaw Nation Chief Judge, and Peacemaker, Barbara Smith, is unable to provide leadership in the development of the Peacemaker trainings due to the distance she is traveling, we have a back-up plan to contract with the Grand Traverse Band of Ottawa Indians Peacemaker, Paul Raphael, and the Little River Band of Ottawa Indians who have a strong Peacemaking model on which they already train.

Additionally, given the interest from surveys gathered, the team does not anticipate a problem but, if we don't receive a sufficient amount of Peacemaker recruit prospects, we plan on increasing communication outreach about Peacemaking and its attributes in presentations to various tribal committees, tribal departments and the general tribal body on a monthly basis.

**The Budget**

Budgeting is an important part of the success of the Peacemaking project as each activity includes contractors, logistics, supplies, and travel among other items to be budgeted and accounted for. In addition, the project was awarded federal funding through a grant made possible by the Administration for Native Americans, under the Department of Human Health and Services. The Peacemaking Court project budget is as follows:

Table 6 –

*Year One Budget: Mashpee Wampanoag Peacemaking Court*

| CATEGORY   | Federal Share      | Non-Federal Share  | Total              |
|--|--------------------|--------------------|--------------------|
| <b>PERSONNEL</b>   |                    |                    |                    |
| Project Director   | \$7,280.00         |                    | \$7,280.00         |
| Chief Judge  | \$3,380.00         |                    | \$3,380.00         |
| Administrative Assistant                                   | \$5,460.00         |                    | \$5,460.00         |
| Court Clerk  | \$4,576.00         |                    | \$4,576.00         |
| <b>Total Personnel</b>                                     | <b>\$20,696.00</b> | <b>\$0.00</b>      | <b>\$20,696.00</b> |
| <b>Fringe Benefits</b>                                     |                    |                    |                    |
| Fica @ .0765   | \$1,583.00         |                    | \$1,583.00         |
| Futa @ .008  | \$166.00           |                    | \$166.00           |
| Suta @ .005  | \$103.00           |                    | \$103.00           |
| Workers Comp. @ 6%   | \$1,666.00         |                    | \$1,666.00         |
| <b>Total Fringe</b>  | <b>\$3,518.00</b>  | <b>\$0.00</b>      | <b>\$3,518.00</b>  |
| <b>TRAVEL</b>  |                    |                    |                    |
| <b>Post Award Training for 2 People</b>                    |                    |                    |                    |
| -- Airline Tickets   | \$700.00           |                    | \$700.00           |
| -- Lodging   | \$900.00           |                    | \$900.00           |
| -- Per Diem  | \$497.00           |                    | \$497.00           |
| -- Mileage to Airport:                                     | \$83.00            |                    | \$83.00            |
| -- Airport Parking   | \$200.00           |                    | \$200.00           |
| -- Taxi to Hotel/Training                                  | \$120.00           |                    | \$120.00           |
| <b>Total Post Award Travel</b>                             | <b>\$2,500.00</b>  | <b>\$0.00</b>      | <b>\$2,500.00</b>  |
| <b>2 People ANA Spring Grantee Meeting - Washington DC</b> |                    |                    |                    |
| -- Airline Tickets (2 @ \$770 RT, BOS to DCA)              | \$1,540.00         |                    | \$1,540.00         |
| -- Lodging: (2 Rooms @ \$255 x 3 Nights)                   | \$1,530.00         |                    | \$1,530.00         |
| -- Per Diem (2 People @ \$71/Day x 3.5 Days)               | \$497.00           |                    | \$497.00           |
| -- Mileage to Airport: (74 miles RT @ \$.56 x 2 People)    | \$83.00            |                    | \$83.00            |
| -- Airport Parking (4 Days @ \$25/Day for 2 People)        | \$200.00           |                    | \$200.00           |
| -- Taxi to ANA Event (2 Trips @ \$75/trip)                 | \$150.00           |                    | \$150.00           |
| <b>Grantee Meeting Travel</b>                              | <b>\$4,000.00</b>  | <b>\$0.00</b>      | <b>\$4,000.00</b>  |
| <b>TOTAL TRAVEL</b>  | <b>\$6,500.00</b>  | <b>\$0.00</b>      | <b>\$6,500.00</b>  |
| <b>Other</b>   |                    |                    |                    |
| Year One Consultation - Chickasaw Nation Chief Judge       | \$1,500.00         |                    | \$1,500.00         |
| Law Consultant - Nicole Friederichs                        | \$0.00             | \$2,700.00         | \$2,700.00         |
| Suffolk Law Students                                       |                    | \$3,960.00         | \$3,960.00         |
| Graphic Designer - Brochure                                | \$4,500.00         |                    | \$4,500.00         |
| EJC Stipends   | \$2,100.00         |                    | \$2,100.00         |
| <b>Total Other</b>   | <b>\$8,100.00</b>  | <b>\$6,660.00</b>  | <b>\$14,760.00</b> |
| <b>Total Direct Costs</b>                                  | <b>\$38,814.00</b> | <b>\$6,660.00</b>  | <b>\$45,474.00</b> |
| <b>IDC @ 45.31% of Total</b>                               | <b>\$14,048.00</b> | <b>\$6,556.00</b>  | <b>\$20,604.00</b> |
| <b>Grand Total</b>   | <b>\$52,862.00</b> | <b>\$13,216.00</b> | <b>\$66,078.00</b> |
|  | 80%                | 20%                |                    |

Table 7 –

*Year Two Budget: Mashpee Wampanoag Peacemaking Court*

| CATEGORY  | Federal Share      | Non-Federal Share  | Total              |
|---|--------------------|--------------------|--------------------|
| <b>PERSONNEL</b>  |                    |                    |                    |
| Project Director  | \$7,280.00         |                    | \$7,280.00         |
| Chief Judge   | \$3,380.00         |                    | \$3,380.00         |
| Administrative Assistant  | \$5,460.00         |                    | \$5,460.00         |
| Court Clerk   | \$4,576.00         |                    | \$4,576.00         |
| <b>Total Personnel</b>  | <b>\$20,696.00</b> | <b>\$0.00</b>      | <b>\$20,696.00</b> |
| <b>Fringe Benefits</b>  |                    |                    |                    |
| Fica @ .0765  | \$1,583.00         |                    | \$1,583.00         |
| Futa @ .008   | \$166.00           |                    | \$166.00           |
| Suta @ .005   | \$103.00           |                    | \$103.00           |
| Workers Comp. @ 6%  | \$1,666.00         |                    | \$1,666.00         |
| <b>Total Fringe</b>   | <b>\$3,518.00</b>  | <b>\$0.00</b>      | <b>\$3,518.00</b>  |
| <b>TRAVEL</b>   |                    |                    |                    |
| <b>2 People ANA Spring Grantee Meeting - Washington DC</b>            |                    |                    |                    |
| -- Airline Tickets (2 @ \$770 RT, BOS to DCA)                         | \$1,540.00         |                    | \$1,540.00         |
| -- Lodging: (2 Rooms @ \$255 x 3 Nights)                              | \$1,530.00         |                    | \$1,530.00         |
| -- Per Diem (2 People @ \$71/Day x 3.5 Days)                          | \$497.00           |                    | \$497.00           |
| -- Mileage to Airport: (74 miles RT @ \$.56 x 2 People)               | \$83.00            |                    | \$83.00            |
| -- Airport Parking (4 Days @ \$25/Day for 2 People)                   | \$200.00           |                    | \$200.00           |
| -- Taxi to ANA Event (2 Trips @ \$75/trip)                            | \$150.00           |                    | \$150.00           |
| <b>Grantee Meeting Travel</b>   | <b>\$4,000.00</b>  | <b>\$0.00</b>      | <b>\$4,000.00</b>  |
| <b>Travel for Barbara Smith &amp; Associate for Year Two Training</b> |                    |                    |                    |
| -- Airline Tickets (2 @ \$650 RT, OK to BOS)                          | \$2,600.00         |                    | \$2,600.00         |
| -- Lodging: (2 Rooms @ \$120 x 6 Nights)                              | \$1,440.00         |                    | \$1,440.00         |
| -- Per Diem (2 People @ \$71/Day x 6 Days)                            | \$852.00           |                    | \$852.00           |
| -- Rental Car: Midsize - 1 week                                       | \$650.00           |                    | \$650.00           |
| -- Airport Parking (6 Days @ \$7/Day for 2 People)                    | \$84.00            |                    | \$84.00            |
| -- Travel to Airport (170 Miles RT) for 2 people (Ada to OK City)     | \$190.00           |                    | \$190.00           |
| Consultant Travel   | \$5,816.00         |                    | \$5,816.00         |
| <b>TOTAL TRAVEL</b>   | <b>\$9,816.00</b>  | <b>\$0.00</b>      | <b>\$9,816.00</b>  |
| <b>SUPPLIES</b>   |                    |                    |                    |
| Peacemaker Tool Kit Supplies  | \$550.00           |                    | \$550.00           |
| <b>Total Supplies</b>   | <b>\$550.00</b>    | <b>\$0.00</b>      | <b>\$550.00</b>    |
| <b>Other</b>  |                    |                    |                    |
| Year Two Training- Chickasaw Nation Chief Judge                       | \$5,000.00         |                    | \$5,000.00         |
| Law Consultant - Nicole Friederichs                                   | \$0.00             | \$2,700.00         | \$2,700.00         |
| Suffolk Law Students  |                    | \$3,960.00         | \$3,960.00         |
| Peacemaker Honoraria  | \$3,000.00         |                    | \$3,000.00         |
| EJC Stipends  | \$2,100.00         |                    | \$2,100.00         |
| Brochure Printing & Mailing Costs                                     | \$3,472.00         |                    | \$3,472.00         |
| Guide Book Printing (50 each for Peacemaker and User)                 | \$350.00           |                    | \$350.00           |
| <b>Total Other</b>  | <b>\$13,922.00</b> | <b>\$6,660.00</b>  | <b>\$20,582.00</b> |
| <b>Total Direct Costs</b>   | <b>\$48,502.00</b> | <b>\$6,660.00</b>  | <b>\$55,162.00</b> |
| <b>IDC @ 45.31% of Total</b>  | <b>\$11,702.00</b> | <b>\$8,391.00</b>  | <b>\$20,093.00</b> |
| <b>Grand Total</b>  | <b>\$60,204.00</b> | <b>\$15,051.00</b> | <b>\$75,255.00</b> |
|   | 80%                | 20%                |                    |

## **VI. Monitoring**

In executing the important task of monitoring the timeliness and success of the Peacemaking project, one must measure the overall impact of the delivery of the Peacemaking court and its effect on the Mashpee Wampanoag Tribe.

It is without a doubt, performance measurement is effective because it essentially manages outcomes. One of its most valuable purposes is to reduce, and even erase overall inconsistencies or variances in the project product and process. CED experts use performance measurement and monitoring techniques to assess and evaluate how well they are performing and if the projected outcomes are happening as planned. Often times, practitioners measure for performance alone, and not quality. It is in the best interest of every project to be fully measured; both in performance and quality, to best gauge its overall success. The fully developed Peacemaking court with 12 - 24 Peacemakers will provide the community with the option of, and easy access to the Mashpee Wampanoag Peacemaking court system; with the understanding of achieving justice in a culturally appropriate, healing and peaceful manner.

### **Monitoring Indicators**

The following Peacemaking monitoring indicators identify output performance measurements for key outputs. One key short-term outcome asserts that 2,780 Mashpee Wampanoag tribal members will experience increased awareness, knowledge, and understanding of Peacemaking as an alternative dispute resolution option for the tribe.

The outputs measured are witnessed in the following table:

Table 8 -

*Outputs one and two for increased knowledge of Peacemaking*

| <b>Outcome<br/>(short-term)</b>                   | <b>Output 1</b>  | <b>Output 2</b>   |
|---|--|---|
| <b>Increased<br/>knowledge of<br/>Peacemaking</b> | Peacemaking surveys mailed to the tribal body on current knowledge of Peacemaking  | Peacemaking informational flyers designed, produced and sent to tribal homes  |
| <b>Output<br/>performance<br/>measures</b>        | 1,633 surveys disseminated to tribal body on current knowledge of Peacemaking. Of the 1,633 surveys, 361 responses were returned fully answered (22% of 2/3rds of the tribal body) | 2,780 informational flyers sent to tribal homes   |
| <b>Quality<br/>performance<br/>measures</b>       | 361 responses were in complete support of developing a Peacemaking Court for the Tribe   | Over 300 tribal members at a Sunday tribal body meeting voted positively to move forward on the development of Peacemaking after having received the flyers |

### **Methods, Tools and Forms**

The Peacemaking performance outputs for the aforementioned outcome required identification of the units of service. In the case of the activities outlined to create outputs for this outcome of increased knowledge of Peacemaking, the team identified the output as a material unit. Material units or the tangible resources are the hardcopy surveys, and Peacemaking informational flyers that were sent to tribal homes. The information gathered from responses to these communication methods identified the level of awareness and knowledge tribal members had on Peacemaking. Responses to surveys underscored the desire to continue to educate and build a Peacemaking court. The units of service details are witnessed in the chart below:

Table 9 –

*Units of Service*

| <b>Service Rendered</b>  | <b>Type of Unit</b> | <b>Units of Service</b>   |
|--|---------------------|---|
| Design and production of information collateral on Peacemaking | Material            | 1,633 surveys and 2,780 informational flyers sent to tribal homes |

The team evaluated the units of service against the five criteria and found the following information helpful in the identification of the appropriate units of service for the project:

- The Peacemaking information in the surveys and flyers was useful and relevant.
- The Peacemaking content was precise enough in its detail to be useful information for the team to assess and evaluate the results.
- The Peacemaking data was fairly easy to collect through return response USPS mail and at the monthly Sunday tribal body meetings.
- The cost of the print collateral production and mailings was budgeted and trackable.
- All Peacemaker stakeholders agreed on the use, collection and reporting of the information attained from the Peacemaking units of service.

In looking at the quality performance measures of the short-term outcome of increased awareness and knowledge of Peacemaking for the tribal body, the team highlights the Client Satisfaction Approach that is reflected in the subjective nature of the dimension and data.

The Client Satisfaction Approach quality dimensions are as follows:

- Peacemaking communication team was reliable and available to the tribal body.
- Peacemaking communication collateral to tribal body was timely.



These two quality dimensions are very important as the tribal body received information that was accessible, understandable, and reliable, and project team members are available to answer questions between 8:30am and 4:30pm each business day. The reporting form process is an important measure to track how well the project is flowing, and whether or not activities, benchmarks and deadlines are met. Most importantly, the reporting process identifies whether or not success of the overall project is being achieved and can help to identify where the project needs to be modified, how, why and when. In the case of the development of the Peacemaking Court for the Mashpee Wampanoag Tribe, a well thought out reporting process has been well underway as the project is in the final stages of its 2nd year.

A sample of the Peacemaking project team reporting form is as follows:

Table 10 –

*Project team reporting form*

## Peacemaking Development Project Reporting Form

|    | A         | B        | C     | D      | E           | F         | G          |
|----|-----------|----------|-------|--------|-------------|-----------|------------|
| 1  | Task Name | Duration | Start | Finish | Assigned to | Report to | % Complete |
| 2  |           |          |       |        |             |           |            |
| 3  |           |          |       |        |             |           |            |
| 4  |           |          |       |        |             |           |            |
| 5  |           |          |       |        |             |           |            |
| 6  |           |          |       |        |             |           |            |
| 7  |           |          |       |        |             |           |            |
| 8  |           |          |       |        |             |           |            |
| 9  |           |          |       |        |             |           |            |
| 10 |           |          |       |        |             |           |            |
| 11 |           |          |       |        |             |           |            |
| 12 |           |          |       |        |             |           |            |
| 13 |           |          |       |        |             |           |            |
| 14 |           |          |       |        |             |           |            |
| 15 |           |          |       |        |             |           |            |
| 16 |           |          |       |        |             |           |            |
| 17 |           |          |       |        |             |           |            |
| 18 |           |          |       |        |             |           |            |
| 19 |           |          |       |        |             |           |            |
| 20 |           |          |       |        |             |           |            |
| 21 |           |          |       |        |             |           |            |
| 22 |           |          |       |        |             |           |            |
| 23 |           |          |       |        |             |           |            |
| 24 |           |          |       |        |             |           |            |
| 25 |           |          |       |        |             |           |            |
| 26 |           |          |       |        |             |           |            |
| 27 |           |          |       |        |             |           |            |
| 28 |           |          |       |        |             |           |            |
| 29 |           |          |       |        |             |           |            |

**Team Tasks**

The team will measure the following impact and outcomes:

- 1) A completed and approved Mashpee Wampanoag Peacemaking model, informational brochure, guide books, forms, and tool kit.
- 2) Number of Peacemakers educated, recruited, trained and certified to provide Peacemaking hearings by year two of the project period, and,
- 3) Number of Peacemaking cases heard by end of year two of the project period.

In summary, while monitoring and evaluations are an integral part of tracking the achievements of the project, to date, we are currently in final developmental phases of the project. Consequently, we continue designing methods by which we will measure and identify impact indicators, monitoring tools and forms, schedules and the appropriate team responsible. By end of year two, all activities outlined in the Gantt timeline will be complete. All promotional and communications collateral will have been distributed to all tribal members, and, a fully developed Mashpee Wampanoag Peacemaking Court will be in place, including the cultural Peacemaking model, education of all court personnel, and 12 - 24 recruited, trained and certified Peacemakers; 12 male and 12 female.

**Monitoring Schedule**

The following table provides a full overview of the data gathering methods and monitoring schedule for activities pre, end and post-project statuses:

Table 11 –

*Monitoring Schedule*

| <b>Impact Indicator</b>                                   | <b>Pre-project status (2014)</b> | <b>End-of-project status (2016)</b> | <b>3-Year Target (post proj: 2019)</b> | <b>Means of measurement</b>   |
|---|----------------------------------|-------------------------------------|--|---|
| <b>Gantt activities toward meeting project completion</b> | 0                                | All in Gantt timeline               | 2 follow up evaluations                | Number of new households receiving education collateral, new Peacemakers trained, recruited |
| <b>Number of activities modified</b>                      | 0                                | 2                                   | 2 projected                            | Measurement from Task reporting forms   |
| <b>Number of staff, team, personnel change over</b>       | 0                                | 2                                   | 4 projected                            | Staffing pattern communication  |
| <b>Number of staff, team, who remain employed</b>         | 0                                | 100%                                | 80% projected                          | Staffing pattern communication  |

**VII. Evaluation**

In understanding the theory of change required to achieve successful outcomes and goals by the development of the Mashpee Wampanoag Tribe's Peacemaking court for the tribal people, we must first understand the critical value of program evaluation, as it objectively appraises the accomplishments of the project. For decades, expert Peacemakers have been touting Peacemaking as the best form of alternative, judicial resolution for indigenous people because of the connection between culture, justice and spirituality (Mirsky & Yazzie, 2004).

In the case of evaluating the effectiveness of the Peacemaking project for the tribe, a

participatory program evaluation of the process identified whether the time and effort the team has put forth, has a significant social return on investment when measuring against the project's short, intermediate and long-term outcomes of: 1) Funding, increased awareness and education on Peacemaking, Peacemaker recruitment, the development of the Peacemaking model and increased unity, spiritual health and wellness of the community. During the years ahead, the team will evaluate the achievement of the main goal of increased unity, spiritual health and wellness in the community, by the result of reduced discord, in-fighting and community division, through the utilization of Peacemaking as an alternative judicial option to conflict resolution.

### **Evaluation Variables and Indicators**

Through the participatory evaluation process lead by the Peacemaking Project Director, we identified important summative evaluation questions and answers tailored to Peacemaking program effectiveness and overall impact to the tribal community.

In looking at the summative process for the STOs, we established an approach to compare outcomes, before and after project activities and plans were achieved. In doing so, we posed the following questions:

1) For Short-term outcome one (STO1) – Secure Peacemaking project funding –

Before securing the federal grant funding, where was funding planned to come from to provide for development of the Peacemaking court? Indicators were evidenced in the grant applications made to federal and state agency grant programs by the tribe's Development and Planning team.

One of the first, most impactful, measurable outcomes was the security of federal funding thru the DHHS, ANA, for \$150,000. to develop the Peacemaking court for the tribe. In addition, variables indicating a change in revenue for court improvements were witnessed in the indirect

benefit to the entire tribal judiciary by the recent security of two additional grant funds to support the tribal court's growth and sustainability, both conventionally and for Peacemaking. Other questions included: What form of judicial court processes did the tribe offer prior to funding for Peacemaking? And, how was the conventional tribal court funded prior to the grant funding awarded for Peacemaking? Information gained from these questions established the following pre-Peacemaking court conditions: The tribe offered only a conventional, U.S., federal-style court and approximately 60 cases have been heard since its inception in 2007.

In addition, the conventional tribal court's revenue came from federal funding awarded by a 2012 grant made to the DHHS, ANA agency and tribal general funds (loans w/interest).

For Short-term outcome two (STO2) – Increased awareness and education on Peacemaking – Questions included:

What degree of information did the tribal community have on Peacemaking prior to, and after Peacemaking communication outreach took place? What were the modes of communication? And, were there unintended consequences to the communications? The answers to these questions lie in the variables and performance indicators that dictated out of 1,633 tribal members surveyed on their current knowledge of Peacemaking, 361 responses were returned fully identifying the desire for additional information on Peacemaking and an interest to develop the Peacemaking court. The variable or change in the tribal body's knowledge was 22% of 2/3rds of the tribal body had some information on Peacemaking and wanted more. After the six month communications campaign, all 2,780 enrolled tribal members knew what Peacemaking was and wanted it offered as a judiciary option. Furthermore, one very important direct benefit in meeting STO2 was evidenced by increased education, making the Peacemaking tribal court

more understood, user-friendly and accessible to the tribal people. For Short-term outcome three (STO3) – Educate, recruit and train Peacemakers – the main question posed was: Did the education and recruitment process deliver on the recruitment of Peacemakers for the Peacemaking court? Prior to the project, there were no Peacemakers, and only after implementing the communications campaign to educate and recruit, did the project team secure 12 fully trained and certified Peacemakers.

In addition, a newly discovered, indirect benefit to recruiting and training Peacemakers is witnessed in the interest for Peacemaking by the Peacemaker's children. Some of the Peacemaker's offspring want to become Peacemakers; thus making this action an indirect benefit and providing another level of sustainability for the court. For the intermediate outcome of the development of the Peacemaking model, which is the process by which the Peacemaking court operates, or how cases are heard, we asked the question: Does this Peacemaking model address the cultural process the tribal people are looking for and need? And, did the Peacemaking court process have an effect on people's lives? Since the Peacemaking court is a newly functioning court, only four cases have been heard; however, answers to these evaluation questions confirmed that the eight tribal members who have used the Peacemaking court, including evaluation information from Peacemakers (jurists) and the EJC, all agree that the model addresses the cultural needs of the tribal people through the Peacemaking process.

### **Data Gathering Methods, Tools and Forms**

In an interest to gain guidance and recommendations through formative evaluations, the team holds Focus groups that engage positive discussions on how the Peacemaking program can be improved. The data gathering methods, tools and forms will include: observations,

administrative data analysis in the documentation found in court records and the docket, and quantitative data from the court case/client in-take forms and surveys.

At this time, the formative evaluation is premature since the Peacemaking court recently opened and has only heard four cases thus far. Furthermore, the Peacemaking evaluations are about quality and not quantity since it is the social return on investment (SROI) in increased unity, spiritual health and wellness in the community the team is ultimately looking to achieve.

### **Data Analysis**

Currently, a thorough analysis of the data is underway since we are developing a system of gauging the value of the data. What the evaluation team did discover is, the Peacemaking program is effective, appropriate and very useful to the tribal people and there are currently no other alternative judicial options that are better suited for the tribe than our current conventional and Peacemaking courts.

### **Evaluation Team/ Tasks/ Schedule**

Since the evaluation process was participatory, the evaluation team included me as the Sr. Development Strategist, key stakeholders, three tribal court staff members, Elders Judiciary Committee members, a few members of the community, and tribal council members. Evaluators engaged in the various forms of evaluations guided by an evaluation timeline over pre, mid, end and post-project statuses with various data gathering methods and duties. The means of data gathering and the evaluation schedule are as follows:



Table 12 –

*Evaluation Schedule*

| <b>Impact Indicator</b>                                     | <b>Pre-project status (2014)</b> | <b>Mid-project status (2015)</b> | <b>End-of-project status (2016)</b> | <b>3-Year Target (post project) (2019)</b>  | <b>Means of measurement</b>                                 |
|---|----------------------------------|----------------------------------|-------------------------------------|---|---|
| <b>Number of annual conventional Tribal Court cases</b>     | 30                               | 10                               | 10                                  | 1 - 5                                       | Court records docket  |
| <b>Number of tribal members educated on Peacemaking</b>     | 0                                | 361                              | 2,780                               | 2,780+                                      | Surveys   |
| <b>Number of tribal members utilizing Peacemaking Court</b> | 0                                | 8                                | 45                                  | 85% of all cases that come before the court | Quantitative data from intake forms, surveys, survey monkey |
| <b>Number of Peacemakers recruited, trained, certified</b>  | 0                                | 4                                | 12                                  | 4 additional for a total of 16 Peacemakers  | Peacemaker Certification                                    |
| <b>Number of resolved cases using Peacemaking</b>           | 0                                | 4                                | 100%                                | 100%  | Tracking info. from Peacemaker admin. forms                 |

**VIII. Sustainability**

Prior to the development of the Peacemaking court, the Project Director and key stakeholders looked at the viability of the court's future. We examined the Peacemaking court systems of other tribes, their Peacemaking models, how they were serving their communities, and we examined their sustainability models. Peacemaker and Chief Justice, Robert Yazzie from the Navajo Nation asserts that sustainability can be gained through conventional and Peacemaking courts working together; even while standing on their own. Peacemaking will work for any court matter, especially for family matters, as long as both parties agree. (Yazzie, 2004).

For the Mashpee Wampanoag Tribe, plans to sustain the Peacemaking court and the conventional court have been well underway since the beginning of its development some eight years ago.

**Sustainability Elements**

In regards to the financial element of Peacemaking sustainability, we have secured federal grant funding, and as a back-up, have the support of the tribal council to run the court should the court have difficulty in securing future grant awards. In addition, financial issues with the implementation of Peacemaking are essentially non-existent, as once the court is fully up and running, the costs to run the court are minimal.

One of the most challenging elements is witnessed in the precarious nature of politics. Like any government, our tribal government officials are voted in by the tribal people. In extraordinary situations, a new administration might not want to support alternative, cultural, judicial options to problem solving and resolution found in Peacemaking. However, the tribal judiciary is a separate, but equal branch of government, so should administrations change and claim no support of Peacemaking, there is no serious threat to the court. Furthermore, key stakeholders and court staff agree that it is unlikely newly elected leaders would not support the traditions and culture of the tribe, as that is the foundation of our history and life ways on our homelands.

The social element to sustaining the Peacemaking court is its strongest component. More than half of the estimated 2,850 tribal members want Peacemaking and will use the court as needed. Social trends toward increasing cultural means and ways of living have long been in existence for the tribe as the tribe has always maintained a strong sense of tradition. With that

said, as each year passes with more and more technology entering our worlds at younger and younger ages, the protection and preservation of culture and tradition are of growing importance.

### **Sustainability Plan**

The macro or longer term view of Peacemaking for the tribe is quite promising.

The Peacemaking court will be sustained beyond this project with the continued support and commitment of our Elder's Judiciary Committee (EJC) and the Cultural Advisory Group.

These stakeholders will watch for trends especially among our youth; follow them and be available to guide them and teach them about the benefits of Peacemaking. Another macro component to the sustainability of the court's future is through the continued education of Peacemaking, and on-going recruitment and training of Peacemakers as children grow up.

The recruitment process of Peacemakers is a critical component to its longer-term sustainability as these are the keepers of the court, and without them, the court cannot exist. Annually, the EJC will continue this recruitment process, and when necessary, consult Suffolk University Law professionals through their Indigenous People's Clinic; a group who has remained dedicated life-time partners throughout the Mashpee Wampanoag Tribe's judicial development process.

## **IX. Results**

It is without a doubt that the three short-term outcomes in the development of the Peacemaking court have been achieved. However, it is also true that the best understanding comes from objectively identifying what was successful, what was challenging, and lessons learned from the experience.

**Short-term Outcome One (STO1) – Secure funding to develop Peacemaking**

In meeting the required activities to fulfill STO1 – securing funding for the Peacemaking project development, the Project Director (PD) and I, as the Sr. Development Strategist, researched and applied for federal grant funding under the Department of Health and Human Services (DHHS), Administration for Native Americans (ANA). Some of the STO1 activities and outputs achieved were: research and development of eligible and applicable grant opportunities, application submitted and receipt of an award of \$150,000. for the project.

Funding for the project did not come without its challenges as we were met with some obstacles that needed to be overcome. The internal tribal operations leadership and the tribal court staff were divided on the process. The ensuing in-fighting caused an 18 month delay in the grant research and application process. Lessons learned are challenging as varying opinions will always exist; however, in reflection, I'd communicate earlier on the benefits of Peacemaking with the operations leadership, administration and tribal council as this is where there appeared to be an information gap. Since the tribal community was our target recipient for the project, we spent more time on communicating and educating them than some of our most key internal stakeholders. We needed to balance the sharing of information earlier to attain complete support by tribal operations, administration and leadership. In the future, I'd ensure we had consensus on the project moving forward between tribal leadership, tribal operations, the tribal court staff, and the community, by providing opportunities for everyone to have equal access to Peacemaking information.

**Short-term Outcome Two (STO2) – Increased awareness and knowledge of Peacemaking**

In meeting the required activities to fulfill STO2 – increased awareness and education of Peacemaking, the PD, Elder's Judiciary Committee (EJC) and the development team produced 1,633 hardcopy surveys that were sent to tribal homes, over 2,000 email blasts, on-on-one interviews and focus groups in the quest for the tribal body's current knowledge base of Peacemaking, if any. Of the 1,633 hardcopy surveys and 2,000 email blasts, we received 361 positive responses on the support and interest for more information on Peacemaking.

Communications outreach that included discussion, design and writing activities to produce Peacemaking flyers, guide books and meetings began to happen.

While we attained a 22% positive response to our Peacemaking communications outreach plan, we received some feedback that indicated a certain mystery around the Peacemaking concept.

We needed to be articulate, clear, concise, and straight-forward, so the community could decipher and understand our descriptions. We brought in our Peacemaking experts to present at monthly tribal body meetings and answer questions. This effort proved to be quite successful in raising the bar on outreach as an additional estimated 300 members of the tribal body were supportive of the Peacemaking process after these expert presentations were made. The awareness and education activities produced positive results in achieving STO2; however, one important lesson learned was found in the notion that the team must communicate effectively and carefully in describing the Peacemaking process, only using layman's terms; and without the overuse of legal jargon.

**Short-term Outcome Three (STO3) – Educated and increased awareness for opportunities to recruit Peacemakers**

In meeting the required activities to fulfill STO3 – educated and increased awareness for opportunities to recruit Peacemakers, the PD, EJC and administrative assistant engaged the tribal body in much the same way as the communications outreach plan did to achieve STO2. A Peacemaker's guide book, and "call to action" flyers were sent to over 2,750 tribal homes. In addition, presentations were made at monthly tribal meeting asking for those interested in becoming Peacemakers to attend orientations. As noted in the evaluations section, the main question posed was: Did the education and recruitment process deliver on recruiting Peacemakers for the Peacemakers court? Prior to the project, there were no Peacemakers, and it was after the implementation of the "Call to Action" communications campaign to educate and recruit, did the project team secure 12 fully trained Peacemakers today. Lessons learned are clear as we discovered that the process by which we qualified Peacemakers needed to be completely done by unknown experts, as the Tribe is made up of families, so the possibility of nepotism exists everywhere.

**X. Conclusion & Recommendations****Prospects of attaining intermediate and long-term outcomes**

When we look at the short-term outcomes achieved in the development of the Peacemaking Court, one can see how well it is paving the way to the achievement of the intermediate and long-term outcomes of the Peacemaking model; the judicial process by which dispute cases are heard, and increasing spiritual health and wellness; ultimately restoring a sense of tribal

community unity. By meeting Peacemaking short-term outcomes one – three; securing funding to produce the project, increasing awareness and knowledge of the concept of Peacemaking amongst the tribal community, and increasing education and opportunities for Peacemaker recruitment and training, we laid the groundwork for the development of the Peacemaking model. Currently, through the activities completed in increasing awareness and education of Peacemaking, the team was able to recruit, train and certify 12 Peacemakers. To be a Peacemaker, a person has to meet the following minimum qualifications:

- (1) Be an individual who has the respect of the Mashpee Wampanoag Tribal community, the ability to work with Tribal members, the reputation for integrity, honesty, and morality, and the ability to solve problems;
- (2) Be at least 25 years of age;
- (3) Be free of any conviction of a felony or a crime of moral turpitude;
- (4) Not be a member of the Tribal Council or a Tribal Judge; and,
- (5) Have a high school diploma or its equivalent, be proficient in reading, writing and speaking the English language (Peacemaking Court, 2016).

In meeting the long-term goal of increased spiritual health and wellness and tribal community unity, the team has agreed that this will take time to develop and may be challenging to measure, as measuring rests on the notion that spiritual health and wellness is part of the human organism that may be nurtured in particular social institutions. However, there are dimensions of spiritual wellness that can be measured, for example, connectedness, meaning, forgiveness, hope, knowledge, experience and ritual (Ingersoll, 1996).

Since many research experts rely on quantitative data and ascribe to numerics in research, how will we measure increased spiritual wellness, or this aspect of the quality of life in the Tribe? The answer lies in investigating and understanding the dimensions of spirituality before measurement can take place. Sociodynamics expert, Dr. Elliott Ingersoll, captures the essence of

the concept by asserting that just as we measure physical well-being through indices of underlying physical health, measures of spiritual well being could serve as indices of underlying spiritual health as well. The challenge then was to identify the dimensions of spiritual well-being or spiritual wellness (Ingersoll on Ellison, 1996).

### **Personal Thoughts**

After the Peacemaking court is fully utilized by the people, it is our hope that the community will show evidence that as tribal control is regained and exercised over land, law and community, the physical, spiritual, social and economic well-being of the tribal people will dramatically and consistently improve, bearing distinct economic values and benefits.

According to Political Scientist, Julian Ouellet, Peacemaking is used in many different ways. In a more global use of the word Peacemaking, Ouellet looks at how the United Nations (UN) uses it as an action to bring hostile parties to an agreement through peaceful means. He examines how Peacemaking in our modern world can be looked at as “simply making peace” as an outside intervention in a violent conflict (Ouellet, 2003).

In closing, for the Mashpee Wampanoag Tribe, a Peacemaking court will bring back our traditional methods of dealing with conflicts and ways of healing that rely on the values of our ancestors. Our children will grow and mature with the understanding that throughout life, we all make mistakes, but with the help of our Elders and Peacemakers, we can bring back a sense of nurturing, love, support, unity, community and healing thru the restorative, traditional, cultural, and peaceful justice found in Peacemaking.



## XI. References

Brauker, A., Wilson, P., (2007). *Tradition of Peacemaking - Little River Band of Ottawa Indians peacemaking guidelines*, The Little River Band of Ottawa Indians, Manistee, Michigan, Peacemaking Probation Department.

Retrieved from <https://www.lrboi-nsn.gov/index.php/government/tribal-court>

<https://www.lrboi-nsn.gov/images/docs/court/docs/Peacemaking%20Guidelines.pdf>

Eisenberg, T, Farber, H., (July, 2011). Why do plaintiffs lose appeals? biased trial courts, litigious losers, or low trial win rates? *Industrial Relations Section*, Princeton University.

Retrieved from <http://harris.princeton.edu/faculty/wp.php?authKey=HSF>

Graef, C. (2014). Native American women finally seeing protections they need,

*MintPress News* © *MintPress News*

Retrieved from: <http://www.mintpressnews.com/native-american-women-finally-seeing-protections-need/195740/>

Ingersoll, E., (1996). Integral Psychotherapy, Coaching & Consulting

The Spiritual Wellness Inventory, Elliott Ingersoll © 1996

Retrieved from: [http://www.elliottingersoll.com/Spiritual\\_Wellness\\_Test.html](http://www.elliottingersoll.com/Spiritual_Wellness_Test.html)

Jiménez, V., Song, S.C. (Aug 1998). Concurrent Tribal and State Jurisdiction Under Public Law 280, *The American University Law Review*, Vol 47:1627

Retrieved from: <http://amulrev.org/pdfs/47/47-6/jimenez.pdf>

Jorgensen, M., (2007). *Native nation building, development, governance and culture, strategies for governance and development*, The Native Nations Institute for Leadership, Management and Policy, Udall Center for Studies in Public Policy, University of Arizona, Forthcoming, University of AZ Press 2007.

Keshena, E.T., (2011). Living colonized in Anówara today, What Does Blog at WordPress.com.

Retrieved from: <https://bermudaradical.wordpress.com/2009/07/04/indian-in-america-oppressed-but-never-defeated/>

Lippman, J. (2014). State Courts: Enabling Access, *Volume 143, Number 3 (Summer 2014)*.

Shapiro Library, EBSCO Host. Retrieved from:

[http://pn8vx3lh2h.search.serialssolutions.com/?ctx\\_ver=Z39.88-2004&ctx\\_enc=info%3Aofi%2Fenc%3AUTF-](http://pn8vx3lh2h.search.serialssolutions.com/?ctx_ver=Z39.88-2004&ctx_enc=info%3Aofi%2Fenc%3AUTF-)

Mashpee Police Department, MPD, (2014). *Data derived from reports from Officer Kevin Frye,*

a Mashpee Wampanoag Police Officer (Confidential). Retrieved from:

[http://www.mashpee.ma.gov/pages/MashpeeMA\\_Police/index](http://www.mashpee.ma.gov/pages/MashpeeMA_Police/index)

Mashpee Wampanoag Tribe, (2015). *Enrollment, Timeline*

Mashpee Wampanoag Tribe © 2016

Retrieved from: <http://www.mashpeewampanoagtribe.com/timeline>

Mashpee Wampanoag Tribal Court, (2015). *Peacemaking, Peacemaker's Court.*

© 2016 Mashpee Wampanoag Tribal Court

Retrieved from: <http://www.mwtribejudicial.com/Peacemakers-Court>

[http://www.mwtribejudicial.com/judicial\\_ordinance](http://www.mwtribejudicial.com/judicial_ordinance)

U.S. Census Bureau, (2013). *State and County quickfacts, median household incomes for states*

2009- 2013. Retrieved from: <http://quickfacts.census.gov/qfd/states/00000.html>

Seasonally Adjusted National Unemployment Rate for Jan. 2015 published by the

Department of Labor is 5.7%; as it appears online at: <http://www.bls.gov/cps/>

Retrieved from: <http://quickfacts.census.gov/qfd/states/00000.html>

Massachusetts Department of Public Health, MDPH, (Nov 2006). *The health status of american indians/native americans in massachusetts*, Center for Information, Statistics, Research and Evaluation, Division of Research and Epidemiology.

Retrieved from: <http://www.mass.gov/eohhs/docs/dph/research-epi/native-american-health.pdf>

Mirsky, L., Yazzie, R., (2004). Restorative justice practices of native american, first nation and other indigenous people of north america: part one, *International Institute for Restorative Practices*, International Institute for Restorative Practices, Bethlehem, Pennsylvania

Retrieved from: [http://www.iirp.edu/article\\_detail.php?article\\_id=NDA1](http://www.iirp.edu/article_detail.php?article_id=NDA1)

Navajo Nation, (Feb 2013). Peacemaking Program of the Judicial Branch of the Navajo Nation, Plan of Operations July 30<sup>th</sup>, 2012, amended in February, 2013.

Retrieved from: <http://www.navajocourts.org/indexpeacemaking.htm> and <http://www.navajocourts.org/Peacemaking/Plan/PPPO2013-2-25.pdf>

NIJ, National Institute of Justice, (2013). *Tribal crime and justice*, Office of Justice Programs, NIJ, 2013. USA.gov

Retrieved from: <http://nij.gov/topics/tribal-justice/pages/welcome.aspx>

Ouellet, J., (2003). *Peacemaking*. Touchstone Rockefeller Center, NY, NY.

Copyright © 1987 by M. Scott Peck, M.D., P.C. All Rights reserved.

Perry, S. W., (2004). *American indians and crime, 1992-2002*. A BJS statistical profile 1992 - 2002, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, December 2004, NCJ 203097. Retrieved from:  
[www.justice.gov/sites/default/files/otj/docs/american\\_indians\\_and\\_crime.pdf](http://www.justice.gov/sites/default/files/otj/docs/american_indians_and_crime.pdf)

Robertson, L. (2001). *Native Americans and the Law: Native Americans Under Current United States Law*, Retrieved from: <http://thorpe.ou.edu/guide/robertson.html>

Simpson, C., Jr., (1991). *Health status of minorities and low-income groups: Policy research, inc.* Third Edition, US Department of Health and Human Services, Health Resources and Services Administration, Vital Statistics, Chapter 2, Diane Publishing 1991.  
Retrieved from:  
[https://books.google.com/books?id=RdeZTn99zbgC&pg=PA11&lpg=PA11&dq=Why+is+the+older+age+of+American+Indians+younger+than+caucasians&source=bl&ots=\\_jJWc03M9x&sig=bgImscEZ0MEksUsqgZ3K9hYXeaQ&hl=en&sa=X&ved=0CEIQ6AEwBGoVChMI7eO6wZeKxgIViU6SCh1ipQDM#v=onepage&q=Why%20is%20the%20older%20age%20of%20American%20Indians%20younger%20than%20caucasians&f=false](https://books.google.com/books?id=RdeZTn99zbgC&pg=PA11&lpg=PA11&dq=Why+is+the+older+age+of+American+Indians+younger+than+caucasians&source=bl&ots=_jJWc03M9x&sig=bgImscEZ0MEksUsqgZ3K9hYXeaQ&hl=en&sa=X&ved=0CEIQ6AEwBGoVChMI7eO6wZeKxgIViU6SCh1ipQDM#v=onepage&q=Why%20is%20the%20older%20age%20of%20American%20Indians%20younger%20than%20caucasians&f=false)

Sotnik, K. (Dec. 2014). *NECN News*, Police on the Front Lines of Cape Cod's Heroin Epidemic, New England Cable News, NECN.

Retrieved from: <http://www.necn.com/news/health/Police-on-the-Front-Lines-of-Cape-Cods-Heroin-Epidemic-285571981.html> and <http://www.necn.com/news/health/Police-on-the-Front-Lines-of-Cape-Cods-Heroin-Epidemic-285571981.html>

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U.S. Census Bureau, (2015). *state and county quickfacts on MA*.

Retrieved from : <http://quickfacts.census.gov/qfd/states/25000.html>

U.S. Department of Commerce, *American factfinder*, United States Census Bureau,

Retrieved from:

<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

U.S. Department of Education, (2012). Institute of Education Sciences, *Digest of Education*

*Statistics*, Table 8. Educational attainment of persons 25 years old and over, by race/ethnicity and state: 2012 . Retrieved from:

[http://nces.ed.gov/programs/digest/d12/tables/dt12\\_008.asp?referrer=report](http://nces.ed.gov/programs/digest/d12/tables/dt12_008.asp?referrer=report)

Wesley-Esquimaux, C., C., Smolewski, M., (2004). *Historic Trauma and Aboriginal Healing*,

The Aboriginal Healing Foundation Research Series. © 2004 Aboriginal Healing

Foundation Published by Aboriginal Healing Foundation. Retrieved from: Historic-

Link: <http://search.tb.ask.com/search/GGmain.jhtml?st=sb&ptb=4275438C-E66E-4654-8B97-600A5D172A63&n=780c717f&ind=2014081407&p2=^UX^mff998^YYA^us&si=CD15543&searchfor=Wesley-Esquimaux%C2+C.%2C+C.%2C+Smolewski%C2+M.%2C+%282004%29.+Historic+Trauma+and+Aboriginal+Healing>, Historic-trauma.pdf